

FIRST REGULAR SESSION

# SENATE BILL NO. 35

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Pre-filed December 1, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0518S.011

## AN ACT

To repeal section 116.025, RSMo, and to enact in lieu thereof two new sections relating to fair ballot language.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 116.025, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 116.023 and 116.025, to read as  
3 follows:

**116.023. The fair ballot commission is hereby established for the**  
2 **purpose of approving the legal content and form of proposed fair ballot**  
3 **language statements. The commission shall consist of eight**  
4 **members. The pro tem and minority leader of the senate and the**  
5 **speaker and minority leader of the house of representatives shall each**  
6 **appoint one attorney licensed in the state and one private citizen of the**  
7 **state who is not an attorney to establish membership. The initial terms**  
8 **of the members appointed by the pro tem of the senate and the**  
9 **minority leader of the house of representatives shall be for two years**  
10 **while the initial terms of the members appointed by the minority leader**  
11 **of the senate and the speaker of the house of representatives shall be**  
12 **for four years. After the initial term, each subsequent member shall be**  
13 **appointed to a four-year term.**

116.025. 1. The secretary of state within twenty days of receiving a  
2 statewide ballot measure shall prepare and transmit to the [attorney general]  
3 **fair ballot commission** fair ballot language statements that fairly [and],  
4 accurately, **and plainly** explain what a vote for and what a vote against the  
5 measure represent, **and the current law governing the topic of the**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

6 **proposed change.** Each statement shall be posted in each polling place next  
7 to the sample ballot. Such fair ballot language statements shall be true and  
8 impartial statements of the effect of a vote for and against the measure **and the**  
9 **current law governing the topic of the proposed change** in language  
10 neither intentionally argumentative nor likely to create prejudice for or against  
11 the proposed measure. In addition, such fair ballot language shall include a  
12 statement as to whether the measure will increase, decrease, or have no impact  
13 on taxes, including the specific category of tax, **and fiscal impact on state and**  
14 **local governments.** Such fair ballot language statements may be challenged  
15 in accordance with section 116.190. The [attorney general] **commission** shall  
16 within ten days approve the legal content and form of the proposed statements.  
17 **2. All statements shall be approved by a majority of the**  
18 **commission. If a statement is not approved, the statement shall be**  
19 **returned to the secretary of state with an alternative statement**  
20 **approved by a majority of the commission. The procedures for**  
21 **approval shall then advance according to subsection 1 of this section.**

Bill ✓

Copy